

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

For the reasons set forth in the Opinion accompanying this Final Order, it is  
**ORDERED** that the government's Motion to Dismiss is GRANTED, and the Motion  
to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C.A. § 2255 is hereby  
DENIED. Based upon the court's finding that the defendant has not made the  
requisite showing of denial of a substantial right, a certificate of appealability is  
**DENIED**.

ENTER: October 28, 2010

/s/ JAMES P. JONES  
United States District Judge